



IPW

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Examining Group 1634  
Patent Application  
Docket No. G-077US03DIV  
Serial No. 10/664,025

Frank C. Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : James Martinell, Ph.D.  
Art Unit : 1634  
Applicants : Jean-Baptiste Dumas Milne Edwards, Severin Jobert, Jean-Yves Giordano  
Serial No. : 10/664,025  
Filed : September 15, 2003  
Conf. No. : 2603  
For : EST's and Encoded Human Proteins

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

Sir:

The Notice to File Corrected Application Papers mailed February 6, 2007 indicates that a replacement figure in compliance with 37 CFR 1.21 is required in the above-referenced patent application. Specifically, the Identification of Drawing Deficiencies indicates that "an ink stamp or an image obscures part of the illustration" on Figure 5.

On September 14, 2006, Applicants mailed an Amendment Under 37 C.F.R. § 1.111, along with replacement Figure 5. Applicants' undersigned representative respectfully asserts that replacement Figure 5 did not contain any images which obscured part of the illustration when the Amendment was filed. In addition, the Notice of Allowability dated December 8, 2006 indicates that

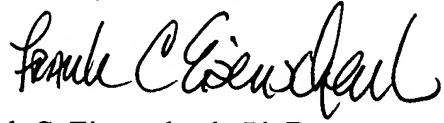
the "Drawings submitted September 19, 2006 are approved." Applicants' undersigned representative notes that replacement Figure 5 contained in the Image File Wrapper of the Patent Information Retrieval System shows a Patent and Trademark Office stamp by the OIPE dated September 19, 2006 (copy attached).

Applicants note that the filing of this response may result in a holding that Applicants caused delay in the prosecution of this matter and respectfully submit that they should not be charged with the causation of any delay in this respect as Figure 5 was submitted without text being obscured. Applicants respectfully submit that the OIPE stamp is actually a Patent Office caused delay and respectfully request that such a delay be reflected in any patent term adjustment calculations performed in this matter.

Transmitted herewith is a true and correct copy of Figure 5 (Replacement Sheet 5/10) submitted with Applicants' Amendment dated September 14, 2006. A copy of the Notice to File Corrected Application Papers received from the Patent and Trademark Office is attached hereto.

Although no additional fees are believed to be due, the Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0065.

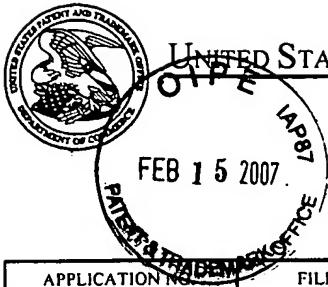
Respectfully submitted,



Frank C. Eisenschenk, Ph.D.  
Patent Attorney  
Registration No. 45,332  
Phone No.: 352-375-8100  
Fax No.: 352-372-5800  
Address: P.O. Box 142950  
Gainesville, FL 32614-2950

FCE/sl

Attachments: Copy of Figure 5 from PAIR showing OIPE stamp  
Figure 5  
Copy of Notice to File Corrected Application Papers

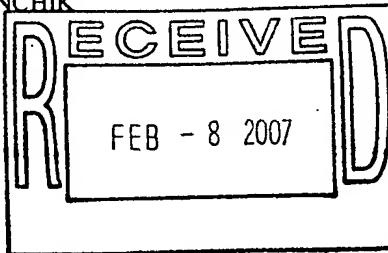


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,025	09/15/2003	Jean-Baptiste Dumas Milne Edwards	G-077US03DIV	2603

23557 7590 02/06/2007  
SALIWANCHIK LLOYD & SALIWANCHIK  
A PROFESSIONAL ASSOCIATION  
PO BOX 142950  
GAINESVILLE, FL 32614-2950



EXAMINER	
MARTINELL, JAMES	
ART UNIT	PAPER NUMBER
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02/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.



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Serial No. : 10/664025  
Applicant : Edwards et al  
Filing Date : 9/15/03  
Date Mailed : 2/5/07

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice MUST be returned with the reply. Please address response to  
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P.O. Box 1450, Alexandria, VA 22313-1450".*

L Fletcher

Your name  
Office of Patent Publication  
Phone: 703-308-9250, ext. 143



Application No. 10/664 025

Drawings filed 9/19/06

## IDENTIFICATION OF DRAWING DEFICIENCIES

- There is a hole or the image thereof within the illustration. FIG(s) \_\_\_\_\_
- The character of the lines, numbers and letters is poor. FIG(s) \_\_\_\_\_
- The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- An ink stamp or an image obscures part of the illustration. FIG(s) 5
- The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) \_\_\_\_\_
- Figure numbers are duplicated or missing. FIG(s) \_\_\_\_\_
- Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) \_\_\_\_\_
- The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- Data, a reference number, or part of the drawing is truncated or missing. FIG(s) \_\_\_\_\_
- The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.81(u)(1). FIG(s) \_\_\_\_\_
- The drawing and/or the FIG. label contain(s) foreign language. FIG(s) \_\_\_\_\_
- Color drawings are present in this application but the following CFR 1.84 (a) requirements have not been met\*:
  - Petition filed
  - Petition fee
  - 3 sets of color drawings
  - Color drawing paragraph

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS: